HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:21425 OF 1996

Dated:30.11.2007

Between:

S. Sofi Saheb

..Petitioner

And

1. Regional Transport Officer,
   Nandyal, Kurnool District.

..Respondent.

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HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:21425 OF 1996

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to quash the demand notice of the respondent issued in Rc.No.1386/A1/96, dated 25.5.1996.

It is the case of the petitioner that the vehicle in question was under repair and when the vehicle was on trial run in the outskirts of Nandyal town along with work shop staff, the Assistant Motor Vehicle Inspector, Nandyal checked and seized the same under check report No.690190, dated 16.2.96 for certain irregularities alleged to have been committed by the petitioner. There is absolutely no allegation that the vehicle carried any passengers or that any fares were collected from them. In response to the show cause notice issued by the respondent, the explanation submitted by the petitioner to the effect that the vehicle was at garage and that it was on the trial run, was not considered by the fact finding authority and therefore, it amounts to grave miscarriage of justice.

Heard.

At this stage of the proceedings, while submitting that the petitioner has paid part of the tax for the quarter ending 31.3.1996, the learned counsel for the petitioner has fairly conceded to pay the balance of the tax as well as the penalty. But, he seeks liberty to the

petitioner to prefer an appeal before the appropriate authority as to the quantum of penalty.

In view of the fair submission made by the learned counsel for the petitioner, We feel it just and proper to direct the petitioner to pay the balance of tax for the quarter ending 31.3.1996 and also the penalty as mentioned in Demand notice in Rc.No:1386/A1/96, dated 25.5.1996 within a period of four (4) Weeks from today. It is needless to observe that any part payment of tax was made for the quarter ending 31.3.1996, the same shall be taken into account. On such payment, the petitioner is at liberty to prefer an appeal before the appropriate authority questioning the quantum of penalty.

However, it is made clear that in case the petitioner fails to comply with the order of this Court as stated above, the demand notice in Rc.No:1386/A1/96, dated 25.5.1996, shall automatically become operative.

Subject to the above direction, this writ petition is disposed of. No costs.

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Justice T. Meena Kumari

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Justice G. Rohini

Date: 30th November, 2007

Nn/gurc.

HONOURABLE MRS. JUSTICE T.MEENA KUMARI
&
HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No:21425 OF 1996

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

30/11/2007